IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 859 OF 2003

Abdulla Abdul Kadar .. Appellant

Vs.

The Municipal Corporation of
Gr. Bombay. .. Respondent

Mr. Girish Desai with Ms. Geeta Shashtri i/by Khilnani and Co. for appellant.

Ms. Geeta Jogalekar for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : July 11, 2005.

P.C.:

1. Admittedlyby the impugned order dated 16/10/2003 the learned Judge of the City Civil Court at Mumbai in L.C. Suit No.4863 of 2003 has rejected the prayer for ad-interim injunction and Notice of Motion No.4143 of 2003 is still pending. If that be so, it would be appropriate that the pending Notice of Motion is decided on its own merits within a fixed period.

2. Hence this appeal is disposed off by directing that the Notice of Motion No.4143 of 2003 pending in L.C. Suit No.4863 of 2003 be heard and decided on its own merits and as expeditiously as possible but preferably by 31st December, 2005.

(B.H. Marlapalle,J.)